

**Chapter 16.40****THREATENED AND ENDANGERED SPECIES PRESERVATION DEVELOPMENT  
FEES****Sections:**

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**Section 16.40.010 Findings.**

- A. The Legislature of the State of California has found and declared the following:
1. Certain species of fish, wildlife, and plants have been rendered extinct as a consequence of man's activities, untempered by adequate concern and conservation.
  2. Other species of fish, wildlife, and plants are in danger of, or threatened with, extinction because their habitats are threatened with destruction, adverse modification, or severe curtailment, or because of overexploitation, disease, predation, or other factors.
  3. These species of fish, wildlife, and plants are of ecological, educational, historical, recreational, aesthetic, economic, and scientific value to the people of this State, and the conservation, protection, and enhancement of these species and their habitat is of statewide concern.
- B. The State Legislature has also found and declared that it is the policy of the State to conserve, protect, restore, and enhance any endangered species or any threatened species and its habitat and that it is the intent of the legislature, consistent with conserving the species, to acquire lands for habitat for these species.
- C. The congress of the United States has found and declared that:
1. Various species of fish, wildlife, and plants in the united States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation.
  2. Other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction.
  3. These species of fish, wildlife, and plants are of aesthetic, ecological, educational, historical, recreational, and scientific value to the nation and its people.
  4. Encouraging the States and other interested parties, through federal financial assistance and a system of incentives, to develop and maintain conservation programs which meet national and international standards is a key to meeting the nation's international commitments and to better safeguarding, for the benefit of all citizens, the nation's heritage in fish, wildlife, and plants.
- D. The City Council of the City of Riverside hereby joins in these findings and further finds and determines as follows:
1. The preservation of threatened and endangered species is an important regional concern which crosses political boundaries and which requires the cooperation of cities, counties, the State of California, the United States and the owners of property affected by the

threatened or endangered species.

2. The preservation of threatened and endangered species is a benefit to all the citizens of the City of Riverside as we are all a part of the interdependent web of life and losing a part of it to extinction results in a loss for all of us. (Ord. 5763 § 1, 1989; Ord. 5759 § 1, 1989; Ord. 5758 § 1, 1989; Ord. 5756 § 1, 1989)

#### **Section 16.40.020 Purpose.**

The purpose of this chapter is to provide funding for a portion of the cost of preparation and implementation of plans for the preservation of threatened and endangered species, including the preparation of habitat conservation plans and the acquisition of habitat reserve sites. It is the intent that development fees collected pursuant to this chapter, together with other City resources, fees collected by other jurisdictions and State and federal contributions will together serve to mitigate the impacts of development upon threatened and endangered species and to preserve for future generations species which are at risk of becoming extinct. (Ord. 5763 § 1, 1989; Ord. 5759 § 1, 1989; Ord. 5758 § 1, 1989; Ord. 5756 § 1, 1989)

#### **Section 16.40.030 Definitions.**

As used in this chapter, the following terms shall have the following meanings:

Building permit for new development means a building permit issued pursuant to Chapter 16.08 of the Riverside Municipal Code for a structure which is not a replacement for a structure which previously existed on the same site.

Endangered species has the same meaning given to it by the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1531 et seq. and the California Endangered Species Act, California Fish and Game Code Section 2050 et seq.

Grading permit means a permit issued pursuant to Chapter 33, Excavation and Grading, of the Appendix to the Uniform Building Code, as adopted by the City of Riverside in Chapter 16.08 of the Riverside Municipal Code. For the purpose of this chapter, grading permit shall also include any other permit authorizing the disturbance of the soil such as a permit authorizing surface mining.

Habitat conservation plan means a plan prepared pursuant to Section 10(a) of the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1539.

Habitat reserve sites mean sites selected by the City of Riverside or other jurisdictions to be acquired to preserve the habitat of any threatened or endangered species.

Initial mobile home setup permit means the first mobile home setup permit to be issued by the Building Division of the Planning Department for a space in a mobile home park. Subsequent mobile home setup permits for the same space shall not be subject to the requirements of this chapter.

Threatened species has the same meaning given to it by the Federal Endangered Species Act of 1973, 16 U.S.C. Section 1531 et seq. and the California Endangered Species Act, California Fish and Game Code Section 2050 et seq. (Ord. 6393 §§ 45, 46, 1997; Ord. 5763 § 1, 1989; Ord. 5759 § 1, 1989; Ord. 5758 § 1, 1989; Ord. 5756 § 1, 1989)

#### **Section 16.40.040 Establishment of fees.**

Whenever it is determined by the City Council that a threatened or endangered species may be adversely impacted by development and/or growth occurring wholly or partially within the City of Riverside, the City Council may by resolution establish a preservation development fee requirement for the purposes set forth in Section 16.40.020. A fee may be established for a single specified species, for multiple specified species or for general use for the protection of any threatened or endangered species. More than one fee may be established. (Ord. 5763 § 1, 1989; Ord. 5759 § 1, 1989; Ord. 5758 § 1, 1989; Ord. 5756 § 1, 1989)

**Section 16.40.050 Payment of fees.**

When a fee has been established by resolution of the City Council pursuant to Section 16.40.040, such fee shall be paid prior to the issuance of a grading permit, a building permit for new development or an initial mobile home setup permit, whichever occurs first after the establishment of the fee requirement. No grading permit, building permit for new development or initial mobile home setup permit shall be issued until such fee has been paid. (Ord. 5763 § 1, 1989; Ord. 5759 § 1, 1989; Ord. 5758 § 1, 1989; Ord. 5756 § 1, 1989)

**Section 16.40.060 Use of funds.**

When a fee has been established pursuant to Section 16.40.040 and collected pursuant to Section 16.40.050, it shall be deposited in an account established solely for such fee. Each fee established shall be deposited in its own separate account. Funds shall be expended for the purposes for which the fee has been established including the preparation of habitat conservation plans and the acquisition of habitat reserve sites. The City may enter into agreements with other jurisdictions and may transfer funds to such other jurisdictions to be expended for the purposes for which the fee has been established. Funds collected pursuant to Section 16.40.050 may be expended on the preservation of threatened or endangered species outside the corporate boundaries of the City of Riverside when to do so will provide a general benefit to the citizens of the City of Riverside or will allow the development of property within the City boundaries which might otherwise not be permitted to develop. (Ord. 5763 § 1, 1989; Ord. 5759 § 1, 1989; Ord. 5758 § 1, 1989; Ord. 5756 § 1, 1989)

**Section 16.40.070 Appeals.**

Any person aggrieved by the computation of fees pursuant to this chapter shall have the right to appeal to the Planning Commission. The appeal shall be taken not later than thirty days from the date the person is informed of the computation of fees. Failure to appeal within the thirty-day period shall be deemed a waiver of all rights of appeal under this chapter. (Ord. 6462 § 16, 1999; Ord. 5763 § 1, 1989; Ord. 5759 § 1, 1989; Ord. 5758 § 1, 1989; Ord. 5756 § 1, 1989)

**Section 16.40.080 Annual report.**

When a fee has been established and collected pursuant to this Chapter 16.40, the City Manager shall make an annual report to the City Council which shall include a statement of the amount of fees collected and spent in that year and a summary of efforts taken to preserve threatened and endangered species. (Ord. 5763 § 1, 1989; Ord. 5759 § 1, 1989; Ord. 5758 § 1, 1989; Ord. 5756 § 1, 1989)